

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3781 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

ABDUL RAOF ABDUL KADAR SHAIKH

Versus

STATE OF GUJARAT

Appearance:

MS JAYSHREE C BHATT for Petitioner

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 12/07/1999

ORAL JUDGEMENT

Rule. Ld.APP K.T.Dave waives service of rule. The petitioner who is a undertrial prisoner has prayed for temporary release on bail so as to enable himself to take surgical treatment of his son Shahbaz. In order to support the statement the petitioner has relied on certificate dated 29.6.99 issued by Aditya Surgical Hospital & Head Injury Clinic. That vide order dated 2.7.1999 notice was issued and Learned APP was directed to verify the certificate produced on record by the

petitioner.

2. Today the Learned APP has produced on record statement of Dr.Pradeep Babubhai of Aditya Surgical wherein it is recorded on 11.7.99 that Master Shahbaz was brought to him on 10.7.99 and stated that they will get the date of operation fixed after Rathyatra. Thereby Doctor has suggested 16/7/99 as a probable date of operation. As against that Learned Advocate appearing for the petitioner has produced on record a certificate dated 9.7.99 whereby it is stated that operation of Master Shahbaz is fixed on 16.7.99.

3. It is noteworthy that statement of Dr.Pradeep Babubhai, Doctor of Aditya Surgical as stated before the Police Authority on 11.7.1999 whereas the certificate produced by the petitioner is obtained on 9.7.99. The present petition appears to have been moved on 30.6.99 with this averment that son of the petitioner required emergency surgical treatment for the ailment of appendicitis.

4. On the basis of the above stated discussion, it is difficult to hold that the request of the petitioner is bonafide. The petitiioer being involved in a serious offence, Ld. APP has stated that he is a undertrial prisoner in the case of double murder and it would be risky to enlarge him on temporary bail. The petition is accordingly disposed of as rejected. Rule is discharged. After the order is dictated, Ld. Advocate requests permission to withdraw. In the facts and circumstances of the case, permission is rejected.

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